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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,439	09/26/2003	Rami Caspi	2003P08209US	8507

7590 04/28/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

ISSING, GREGORY C

ART UNIT PAPER NUMBER

3662

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,439

Applicant(s)

CASPI ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/15/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks a proper antecedent basis and therefore lacks clarity; in line 5, "position-related information" is set forth but not further utilized whereas in lines 11-13, the "positioning information" is used. It is not clear what the purpose of the amendment to "position-related" is ascribed to. Moreover, the administration device is not described as having received anything although the wireless communications controller caused the "position-related information" to be transmitted thereto. The language in lines 11-13, "contacting said user based on the positioning information and a speed determination *derived from said positioning information over a predetermined period of the associated telecommunications device with respect to the predetermined location*" is indefinite; the claim fails to clearly and distinctly set forth the subject matter particularly with respect to the italicized portion.

Claim 7 lacks a proper antecedent basis regarding the language in line 4, "from said wireless communication device," since all of the other references refer to "a wireless device" (lines 2, 6, 8, and 9/10). Again, the language "contacting said user based on the position and a speed derived from position information over a predetermined period of the wireless device with respect to the predetermined location" is indefinite since it fails to clearly and distinctly set forth the subject matter which the applicant regards as the invention.

The language of claim 12, "contacting said user based on the position and a speed derived from positions over a predetermined period of the wireless device with respect to the predetermined location" is indefinite since it fails to clearly and distinctly set forth the subject matter which the applicant regards as the invention.

The rejection of claims 14 and 15 is maintained. The applicants' argument is not convincing. The "alerting signals" are transmitted to the administration device *from* the wireless device affixed to a predetermined object when the wireless device is outside the predetermined location and do not relate to

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the availability rules for contacting the user, such as e-mailing or text-messaging as alleged by the applicants.

Claim 17 is indefinite. The wireless communications device transmits device positions (plural) to the administration device. The administration device contacts a user based on "the position" as well as a speed determined from plural device positions but it is unclear as to which position "the position" refers. Moreover, if it is at one position, how is the speed from plural positions related to "the position"? Again, the language "contacting a user of said wireless communication device based on the position and a speed determination derived from said device positions over a predetermined period of the wireless device with respect to the predetermined location" is indefinite since it fails to clearly and distinctly set forth the subject matter which the applicant regards as the invention.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Teckchandani.

5. The rejection is set forth in the previous Office Action.

6. Applicants argue "neither Elliot nor Teckchandani appear to relate, inter alia, to a system capable of using speed over a particular time as a rule criteria." The applicants fail to argue the claim limitations, per se. For example, it is not understood how the language "based on the positioning information and a speed determination derived from said positioning information over a predetermined period of the associated telecommunications device with respect to the predetermined location" applies to applicants' argument regarding the capability of using speed over a particular time as a rule criteria. Furthermore, the applicants' argument, that the neither Elliot nor Teckchandani appear to use rules for contacting a user that are based on the user's location or speed over a particular period, is not convincing. Again, this does not address the specific claim language since it is the device location and speed which is the basis for selecting an availability rule.

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7. As set forth by Elliot, there includes a positioning controller associated with a telecommunications device as exemplified by the device 12 that receives GPS signals, determines conventional position and time information as is well known in a GPS receiver and wirelessly communicates the position information to a cell tower, e.g. 16, which relays the position information to a central control system, which meets the scope of the administration device. A user is automatically notified in response to one of a plurality of conditions, one of which includes device movement exceeding a pre-specified threshold, such as movement beyond predefined units of distance in a time period. Teckchandani provides the suggestion to transmit the positional information from the device on the basis of a determination made at the device as opposed to at the central control station.

8. However, Elliot clearly defines criteria to be used to send auto-notification as provided by the customer profile database at the central control system, i.e. the administration device (3:33-34 and 8:13-25, e.g). Since the claim sets forth "one or more availability rules", it encompasses the embodiment of one availability rule which would inherently be applicable based on any/every basis of speed. Furthermore, Elliot discloses that the user can add criteria whenever the need arises (8:39-42), and thus would appear to suggest to the skilled artisan that more than one availability rule may exist. Lastly, in light of the fact that the positioning and speed information is directed to the telecommunications device and not the user, the detection of the movement and tracked location, i.e. position and time-stamp, of the mobile device of Elliot also inherently includes information associated with speed, which by the way is conventional in a GPS receiver, i.e. it is a well-known PVT device. Thus, the rejection in view of Elliot in view of Teckchandani teaches the claimed subject matter as best understood.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

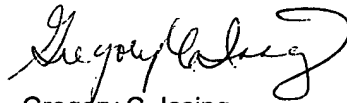
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci